

REMARKS

Reconsideration and allowance of the present application are respectfully requested. By this response, claims 1, 7, 13, and 15 have been amended to clarify the mathematical definition for the aspheric surface with the superimposed kinoform. Claims 1, 3-7, 13-15 and 17-19 are pending in the application, claims 2, 8-12 and 16 having previously been canceled.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 3-7, 13-15, and 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,018,414 to Chipper (hereafter "*Chipper*") on the grounds set forth in paragraph 6 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

Each of Applicants' independent claims, e.g. claims 1, 7, 13 and 15, recite that a kinoform is superimposed on an aspheric surface and that the aspheric surface with the superimposed kinoform is defined by:

$$Z(Y) = \frac{CY^2}{1 + \sqrt{1 - C^2(k+1)Y^2}} + DY^4 + EY^6 + FY^8 + GY^{10} \\ + \frac{(\lambda L_i - (H_2Y^2 + H_4Y^4 + H_6Y^6 + H_8Y^8 + H_{10}Y^{10}))}{(N_\lambda - 1)}$$

In claim 1, one of the first surface and the second surface includes a kinoform superimposed on an aspheric surface. In claim 7, one of the first surface and the second surface includes a kinoform superimposed on an aspheric surface. In claim 13, a first aspherical surface is superimposed with a kinoform. Claim 15 recites that at least the first lens has a kinoform superimposed on an aspheric surface on one of a first surface or a second surface.

In contrast to Applicants' independent claims, *Chipper* does not teach or suggest superimposing a kinoform on an aspheric surface. Moreover, the lens of *Chipper* is mathematically defined by the equation appearing at column 8, lines 28 et. seq., which differs from Applicants' clarified claims. Since Applicants' claimed mathematical representation of the kinoform superimposed on the aspheric surface is different from that disclosed in *Chipper*, it is respectfully asserted that the anticipatory rejection is improper. Withdrawal of the rejection under 35 U.S.C. §102 is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 5, 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Chipper* in view of U.S. Patent No. 4,154,503 to Lettington et al. (hereafter "*Lettington et al.*") on the grounds set forth in paragraph 6 of the Official Action. This rejection is respectfully traversed.

Lettington et al. is relied upon in the Official Action for teaching that a moldable IR transmissive material is an arsenic selenide glass. However, *Lettington et al.* does not

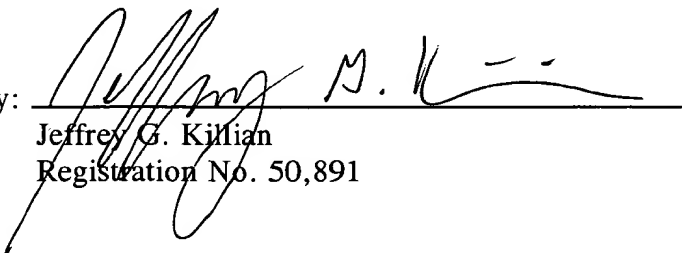
overcome the above-noted deficiency in the disclosure of *Chipper*. For example, *Lettington et al.* does not disclose or suggest Applicants' claimed mathematical representation for the surface with kinoform superimposed on the aspheric. Thus, the combination of *Chipper* and *Lettington et al.* relied upon by the Examiner would not have resulted in Applicants' presently claimed invention. Accordingly, withdrawal of the rejection of claims 5, 18 and 19 is respectfully requested.

CONCLUSION

A Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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